

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 5/17/2022

ANGELA GERMAINE RUCKER and STEPHEN EDWARD RUCKER, Plaintiffs, v. I.Q. DATA INTERNATIONAL, INC., Defendant.	Civil Action No.: 1:22-cv-00717 <u>PLAINTIFFS' LETTER-MOTION FOR EXTENSION OF TIME AND LEAVE TO ACCEPT AMENDED COMPLAINT [43] FILED OUT OF TIME AND MODIFY DEFENDANT'S RESPONSE DEADLINE</u>
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Plaintiffs ANGELA GERMAINE RUCKER and STEPHEN EDWARD RUCKER ("Plaintiffs") via counsel respectfully request an extension of time to file or for the Court to accept their Amended Complaint [43] filed out of time on today, May 16, 2022, which was due 5/13/22, and for modification of this Court's Order [42] to in kind adjust the time for Defendant I.Q. DATA INTERNATIONAL, INC. ("Defendant") to answer, move, or otherwise respond to June 6, 2022.

Re: Amended Complaint

(1) The reason for the proposed adjournment or extension:	Plaintiffs' counsel was previously ill and required time to recuperate before turning attention to drafting opposition to pending motions and amend, but failed to account for the numerous other work that was delayed and extended as a result of the time unable to work.
(2) The original due date:	5/13/2022. [42]
(3) The number of previous requests for adjournment or extensions of time:	One (1).
(4) Whether the other party or parties consent and, if not, the reason given for refusing to consent:	Unknown. Opposing counsel has not yet responded to Plaintiffs' emailed request on this issue; historically Defendant has not opposed.
(5) Proposed alternative dates:	5/16/2022 (amended complaint [43] was filed).

Upon the Court granting leave to deemed Plaintiffs' filed Amended Complaint [43] as accepted, Plaintiffs respectfully request that Defendants, in kind, be given three (3) additional days to answer, move, or otherwise respond to Plaintiffs' Amended Complaint [43], which will be until June 6, 2022.

Upon information and belief, Defendant will suffer no prejudice from Plaintiffs' Amended Complaint [43] being accepted as filed on May 16, 2022, versus on May 13, 2022, and for it being, in kind, granted an extension of time to answer, move, or otherwise respond to Plaintiffs' Amended Complaint [43], up until June 6, 2022. Plaintiffs thank the Court for its understanding and patience.

WHEREFORE, in consideration of the foregoing, Plaintiffs request that their requests be GRANTED and their Amended Complaint [43] filed on May 16, 20022, be deemed accepted as filed, and Defendant's time to answer, move, or otherwise respond to Plaintiffs' Amended Complaint [43], be extended until **June 6, 2022**.

Date: May 16, 2022

s/ Brian L. Ponder
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANGELA GERMAINE RUCKER and STEPHEN EDWARD RUCKER, Plaintiffs, v. I.Q. DATA INTERNATIONAL, INC., Defendant.	Civil Action No.: 1:22-cv-00717 CERTIFICATE OF SERVICE
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I certify that a true/exact copy of the foregoing was served upon all parties via CM/ECF.

Respectfully submitted,

Date: May 16, 2022

s/ Brian L. Ponder
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Application GRANTED. On April 20, 2022, the Court granted Plaintiffs' extension request to respond to Defendant's motion to dismiss, and instructed Plaintiffs that an amended complaint must include as an exhibit a redlined version comparing the amended complaint to the original complaint. *See* Dkt. 42. Plaintiffs must file on ECF the redline exhibit by no later than **Wednesday, May 18, 2022**. Defendant's deadline to answer, move, or otherwise respond to the Amended Complaint is **Tuesday, June 7, 2022**. Plaintiff's deadline to respond is **Tuesday, June 14, 2022**. The Court will be unlikely to grant any further extensions requested by Plaintiffs absent extenuating circumstances.

Defendant's motion to dismiss is DENIED as moot. The Clerk of Court is respectfully directed to terminate the open motion at docket entry 37.

SO ORDERED.



Date: 5/17/2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE